



**U.S. Department of Labor**

Office of Administrative Law Judges  
Seven Parkway Center - Room 290  
Pittsburgh, PA 15220

(412) 644-5754  
(412) 644-5005 (FAX)

**Issue date: 30Sep2002**

CASE NO: 2002-MSA-2

In the Matter of

TWENTYMILE COAL COMPANY,  
FOIDEL CREEK MINE  
ID No. 05-03836

Petitioner,

v.

MINE SAFETY & HEALTH ADMINISTRATION (MSHA)

Party Opposing Petition.

BEFORE:            ROBERT J. LESNICK  
                         Administrative Law Judge

**DECISION AND ORDER**

WHEREFORE, pursuant to the authority, delegated by the Secretary of Labor, to the Office of Administrative Law Judges, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 811(c), the Consent Agreement entered into between the parties is hereby granted subject to the terms and conditions stated therein. Further, it is ordered that Twentymile Coal Company's Petition for Modification of the application of 30 C.F.R. 75.701 at the Foidel Creek Mine is hereby:

GRANTED    for the 480-volt, three-phase, 320KW/400KVA Diesel Powered Generator (DPG) set supplying power to a three-phase transformer and three-phase 480-volt, and 995-volt power circuits, conditioned upon compliance with the following terms and conditions:

1.    The 320 kW, 480 volt generator set shall be powered by a diesel drive engine that meets the requirements of 30 C.F.R. Part 7, Subpart E or by a diesel drive engine that meets the requirements of a petition for modification granted under 30 U.S.C. § 811(c) with respect to the requirements of 30 C.F.R. § 1909(a)(1) for the Foidel Creek Mine, ID No. 05-03836. The generator shall only be used to move equipment in and out of the mine, move equipment from section to section within the mine, and to perform temporary non-production work in areas outby section loading points. When

used to supply mobile equipment, the generator shall only supply one piece of equipment. However, the generator may supply power to multiple pumps.

2. The sum of all motors operated from the diesel powered generator system at one time shall not exceed 275 horsepower.
3. The neutral of the secondary side of the wye configured 480 volt transformer shall have in series between it and the frame of the generator unit, a 480-volt rated resistor that will limit phase-to-frame fault current to 0.5 ampere continuously and is insulated from ground equal to the phase-to-phase voltage of the system.
4. The direct or derived neutral of the 995-volt secondary side of the step-up transformer shall have in series between it and the frame of the generator unit, a 995-volt rated resistor that will limit phase-to-frame fault current to 0.5 ampere continuously and is insulated from ground equal to the phase-to-phase voltage of the system.
5. The 480-volt output circuit of the alternator shall be equipped with a sensitive ground fault relay set to cause the circuit breaker that supplies power to the primary of the 480-volt transformer to trip and shut down the diesel engine when a phase-to-frame fault not to exceed 90 milliamperes occurs.
6. The secondary transformer 480-volt, and 995-volt circuits shall each be equipped with a sensitive ground fault relay that will cause their respective circuit breaker(s) to trip and shut down the diesel engine when a phase-to-frame fault not to exceed 90 milliamperes occurs.
7. The 995-volt circuit breaker shall be provided with a means to provide short-circuit, overcurrent, grounded-phase, undervoltage and ground monitoring protection. The protection for the 995-volt portable equipment cables shall be provided by a 225 or 400 maximum ampere rating circuit breaker, that is equipped with the instantaneous only trip unit (settings for the instantaneous only trip unit shall be limited to between 500 and 1000 amperes) that provides the specified protection for the portable cable attached to the circuit breaker. The instantaneous only trip unit for the 995-volt circuit breaker shall be adjusted to trip at 70 percent of the minimum available short circuit current at the point where the portable cable enters the equipment or the maximum allowable instantaneous settings specified in 30 C.F.R. § 75.601-1, whichever is less.
8. The 480-volt circuit breaker shall be provided with a means to provide short-circuit, overcurrent, grounded-phase, undervoltage and

ground monitoring protection. The protection for the 480-volt portable equipment cables shall be provided by a 225 or 400 maximum ampere rating circuit breaker, that is equipped with an instantaneous only trip unit (settings for the instantaneous only trip unit shall be limited to between 500 and 1500 amperes). The instantaneous only trip unit for the 480-volt circuit breaker shall be adjusted to trip at 70 percent of the minimum available short circuit current at the point where the portable cable enters the equipment or the maximum allowable instantaneous settings specified in 30 C.F.R. § 75.601-1, whichever is less.

9. When the generator set is used to move equipment or perform work in the areas outby the second loading point where equipment is not required to be maintained permissible, the equipment portable cable length(s) shall not exceed the length(s) specified in 30 C.F.R. Part 18, Table 9.
10. Permanent label(s) showing the maximum circuit breaker setting(s) and maximum portable cable length(s) shall be installed on each instantaneous trip unit or be maintained near each 480-volt and 995-volt circuit breaker. The permanent label(s) shall be maintained legible.
11. When the generator set is used to move equipment or perform work in areas outby the section loading point where equipment is not required to be maintained permissible, the grounding system shall include a MSHA accepted ground wire monitor system, or other no less effective device approved by the District Manager to assure ground continuity between the frame of the generator and the equipment being moved or used.
12. The 995-volt portable cable(s) that extend from the generator to portable or mobile equipment shall be type SHD-GC with a minimum of 2,000-volt rating, except that mobile equipment that utilizes a cable reel may use either a SHD-GC or 2,000-volt rated cables. The 480-volt cables used to supply power to 480-volt equipment shall have a minimum of 2,000-volt rating. All cables to portable or mobile equipment shall have outer jackets that have been accepted by MSHA as flame-resistant.
13. Strain relief shall be provided on each end of the cable(s) that extends between the generator and the piece of equipment being powered.
14. Prior to moving each piece of equipment or performing work in areas outby the second loading point where the equipment is not required to be maintained permissible, and upon start-up of the

diesel generator, a functional test of each ground-fault and ground-wire monitor system shall be performed by a qualified electrician who meets the requirements of 30 C.F.R. § 75.153.

15. The diesel generator system shall not be operated until after MSHA has initially inspected the equipment and determined that it is in compliance with all the above terms and conditions.
16. The diesel generator system, when in use, shall comply with all other applicable requirements of the Federal Mine Safety and Health Act of 1977 and the applicable requirements of 30 CFR, Part 75.
17. Prior to using the diesel generator system, training shall be conducted for all qualified persons on the proper examination and test procedures to be utilized. The training shall be "hands on" specific, and shall be incorporated into the Part 48 training plan.
18. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for its approved 30 C.F.R. Part 48 training plan, at any of the listed mines, to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify the following:
  - a) The "hands on" specific training specified in Condition No. 17;
  - 2) Initial and refresher training regarding the terms and conditions stated in the PDO; and
  - 3) Training in the hazards of setting short circuit interrupting device(s) too high to adequately protect the 480-volt and 995-volt portable cables

A

ROBERT J. LESNICK  
Administrative Law Judge